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April 27, 2023

**DELIVERED VIA ECF**

Honorable Paul G. Gardephe  
Thurgood Marshall United States Courthouse  
40 Foley Square, Courtroom 705  
New York, NY 10007

**Case Title:** *Klauber Brothers, Inc. v. Walmart, Inc. et al.*  
**Re:** **1:22-cv-08087-PGG**  
**Request to Adjourn Conference**

Your Honor:

As you know, this office represents Plaintiff Klauber Brothers, Inc. ("Klauber"), in the above-referenced action. We write to respectfully request an adjournment of the initial pretrial conference, currently scheduled for May 4, 2023 at 10:00 a.m. On April 5, 2023, the Court granted Klauber's prior request to adjourn the initial pretrial conference until May 4, 2023 (Dkt. #29).

The Court has previously granted Klauber's request to extend the deadline to restore Walmart, Inc. as a defendant until June 2, 2023. (Dkt. #33). And Klauber has reached a settlement in principle with Walmart and anticipates finalizing an agreement shortly. Klauber has also reached a settlement in principle with Ever Best Sales, LLC. The only Defendant remaining to attend the Initial Pretrial Conference is Music Legs, Inc., who has yet to file an answer to Klauber's First Amended Complaint and with whom Klauber is currently engaged in settlement discussions. In light of the foregoing, Klauber respectfully requests that the Initial Pretrial Conference currently scheduled for May 4, 2023, be adjourned until May 25, 2023, or a date thereafter convenient for the Court, to allow time for the Parties to continue settlement discussions and potentially resolve all outstanding claims in this action.

This is the third request to adjourn the initial pretrial conference with the newly named defendants. The previous request was granted by the Court. (Dkt. #29). Two previous requests to adjourn the initial pretrial conference with Walmart were granted to allow time for settlement discussions with Walmart. (Dkt. #17).

We thank Your Honor for your consideration of this request.

Respectfully submitted,

By: /s/ Scott Alan Burroughs  
Scott Alan Burroughs  
DONIGER / BURROUGHS  
*Attorney for the Plaintiff*

**MEMO ENDORSED:** The application is granted. The conference currently scheduled for May 4, 2023 is adjourned to **May 25, 2023 at 11:30 a.m.**

Dated: May 1, 2023

**IT IS SO ORDERED.**

A handwritten signature in cursive script, reading "Paul G. Gardephe", written in black ink.

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Honorable Paul G. Gardephe, U.S.D.J.